

SENATE BILL 1507

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13 and Title 40, Chapter 35, relative to the possession or use of a handgun by convicted felons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (b) and substituting instead the following:

(b) A person commits an offense who has been convicted of an offense classified as a felony and:

(1) Possesses a handgun;

(2) Possesses a handgun with the intent to employ it in the commission of or escape from an offense; or

(3) Uses a handgun in the commission of or escape from an offense.

(4)

(A) An offense under subdivision (b)(1) is a Class D felony and, notwithstanding any other provision of law, a person convicted under subdivision (b)(1) shall not be eligible for judicial diversion or probation and shall be required to serve a mandatory minimum sentence of five (5) years before such person is eligible for release on parole. A person convicted under this subdivision (b)(4)(A) may earn and accumulate any applicable sentence credits but any credits earned and retained shall not act to reduce the mandatory minimum sentence of service for such person established by this subdivision (b)(4)(A).

(B) An offense under subdivision (b)(2) is a Class C felony and, notwithstanding any other provision of law, a person convicted under

subdivision (b)(2) shall not be eligible for judicial diversion or probation and shall be required to serve a mandatory minimum sentence of twelve (12) years before such person is eligible for release on parole. A person convicted under this subdivision (b)(4)(B) may earn and accumulate any applicable sentence credits but any credits earned and retained shall not act to reduce the mandatory minimum sentence of service for such person established by this subdivision (b)(4)(B).

(C) An offense under subdivision (b)(3) is a Class B felony and, notwithstanding any other provision of law, a person convicted under subdivision (b)(3) shall not be eligible for judicial diversion or probation and shall be required to serve a mandatory minimum sentence of twenty (20) years before such person is eligible for release on parole. A person convicted under this subdivision (b)(4)(C) may earn and accumulate any applicable sentence credits but any credits earned and retained shall not act to reduce the mandatory minimum sentence of service for such person established by this subdivision (b)(4)(C).

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.